

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HALLIBURTON ENERGY SERVICES, INC.,	§	
	§	
	§	
Plaintiff,	§	
	§	
	§	
v.	§	Civil Action No. 2:08-CV-475
	§	
BJ SERVICES COMPANY,	§	JURY TRIAL REQUESTED
	§	
	§	
Defendant.	§	

**PLAINTIFF HALLIBURTON ENERGY SERVICES, INC.'S
ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Halliburton Energy Services, Inc. (“Plaintiff” or “Halliburton”) files this Complaint for infringement of U.S. Patent No. 5,765,642 and U.S. Patent No. 7,225,869, copies of which are attached hereto as Exhibits “A” and “B,” respectively, under 35 U.S.C. § 271, and in support thereof would respectfully show the Court as follows:

PARTIES

1. Plaintiff Halliburton is a Delaware corporation organized under the laws of the State of Delaware. Halliburton maintains a principal place of business at 10200 Bellaire Blvd., Houston, Texas 77072.

2. Defendant BJ Services Company (“BJS”) is, and at all relevant times mentioned herein was, a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 4601 Westway Park Blvd., Houston, Texas 77041. BJS regularly conducts and transacts business in Texas, throughout the United States, and within the Eastern

District of Texas, and has committed and continues to commit acts of patent infringement within and outside of Texas and within the Eastern District of Texas. Upon information and belief, BJS can be served with process through any of its agents including officers or directors or its registered agent, CT Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201. BJS offers for sale, sells, advertises, and provides subterranean fracturing systems in the United States and, more particularly, in the Eastern District of Texas, including a fracturing system offered under the brand name "OptiFrac."

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. § 1338(a).

4. This Court has personal jurisdiction over BJS. BJS has conducted and does conduct business within the State of Texas. BJS offers for sale, uses, makes, distributes, sells, advertises, and markets subterranean fracturing services in the United States, the State of Texas, and the Eastern District of Texas. BJS has voluntarily sold infringing services, and has distributed and used infringing products and services in this District, either directly to customers in this District or through intermediaries with the expectation that the services and products will be sold and distributed to customers in this District. These infringing services and products have been and continue to be purchased and used by consumers in the Eastern District of Texas. BJS has committed acts of infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

5. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

COUNT ONE
PATENT INFRINGEMENT

6. Plaintiff refers to and incorporates herein the allegations of paragraphs 1-5 above.
7. United States Patent No. 5,765,642 ("the '642 patent"), entitled "Subterranean Formation Fracturing Methods," was duly and legally issued by the United States Patent and Trademark Office on June 16, 1998, after a full and fair examination. The '642 patent relates to, among other things, methods of fracturing subterranean formations. Plaintiff is the assignee of all rights, title, and interest in and to the '642 patent and possesses all rights of recovery under the '642 patent.
8. United States Patent No. 7,225,869 ("the '869 patent"), entitled "Methods of Isolating Hydrafjet Stimulated Zones," was duly and legally issued by the United States Patent and Trademark Office on June 5, 2007, after a full and fair examination. The '869 patent relates to, among other things, methods of fracturing subterranean formations. Plaintiff is the assignee of all rights, title, and interest in and to the '869 patent and possesses all rights of recovery under the '869 patent.
9. BJS infringes the claims of the '642 patent and the '869 patent (collectively, "the Patents in Suit") under 35 U.S.C. § 271 by, without authority, making, using, offering to sell, and selling within the United States subterranean fracture products and services that practice the inventions disclosed and claimed in the Patents in Suit. BJS also induces and contributes to infringement by others of the Patents in Suit.
10. Halliburton has complied with the requirements of 35 U.S.C. § 287.

PRAYER FOR RELIEF

Plaintiff prays for the following relief:

- A. A judgment that BJS has infringed the Patents in Suit;
- B. An injunction preventing BJS and its officers, directors, agents, servants, employees, attorneys, licensees, successors, and assigns, and those in active concert or participation with any of them, from infringing the Patents in Suit;
- C. Actual damages, including supplemental damages for any continuing post-verdict infringement up until entry of the final judgment, with an accounting, as needed;
- D. Pre-judgment and post-judgment interest as provided by law;
- E. Costs of this action;
- F. Attorneys fees as provided by 35 U.S.C. § 285;
- G. Alternatively, a compulsory royalty; and
- H. Such other and further relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands that all issues be determined by jury.

DATED: December 19, 2008

Respectfully submitted,

McKOOL SMITH, P.C.

By: /s/ Samuel F. Baxter

Samuel F. Baxter

Lead Attorney

Texas State Bar No. 01938000

sbaxter@mckoolsmith.com

McKool Smith, P.C.

104 East Houston Street, Suite 300

Marshall, Texas 75670

Telephone: (903) 923-9000

Telecopier: (903) 923-9099

Theodore Stevenson, III

Texas State Bar No. 19196650

tstevenson@mckoolsmith.com

Douglas A. Cawley

Texas State Bar No. 04035500

dcawley@mckoolsmith.com

Aimee Perilloux Fagan

Texas State Bar No. 24010299

afagan@mckoolsmith.com

Scott W. Hejny

Texas State Bar No. 24038952

shejny@mckoolsmith.com

Anthony M. Garza

Texas State Bar No. 24050644

agarza@mckoolsmith.com

McKool Smith, P.C.

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

**ATTORNEYS FOR PLAINTIFF
HALLIBURTON ENERGY SERVICES, INC.**